## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by W. Lee Gaines, Jr. and Elizabeth T. Gaines, for that property known as 6 Bowen Mill Road in the Oakhill subdivision of Baltimore County (a/k/a 2 Waterbury Court). The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a swimming pool and pool house in the rear yard, in a portion of the yard other than that 1/3 farthest from the street; and to amend the Final Development Plan at Oakhill. The relief is more particularly described on Petitioners' Exhibit No. 1.

The Patitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 93-435-A

attached hereto and made a part hereof, petition for a Variance from Section

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County.

400.1--Accessory buildings in residence zones.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

To allow a swimming pool and pool house in the rear

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and pla

yard, in a portion of the yard other than that 1/3 furthest

Practical difficulty--This lot is narrow, and the grades are

The screen planting proposed will fulfill the spirit of the ordinance by screening the pool and pool house from the street.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for

of this petition.

I/we do solemnly declare and affirm, under the penalties of perjury,

that I/we are the legal owner(s) of the property which is the subject

Lee Games

steep. The 1/3 lot restriction effectively prevents the construction of a family swimming pool, and pool house.

from the street and to amond the Final Development Plan of "Oakhill"

the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The Petitioners shall comply with the requirements of the Department of Environmental Protection and Resource Management (DEPRM) as stated in the Zoning Plans Advisory Committee (ZAC) comment dated July 2, 1993. Specifically, the Petitioners shall file a Declaration of Intent to receive an exemption from the Forest Conservation Regulations, or shall file a Simplified Forest Stand Delineation, a Forest Conservation Worksheet and a Forest Conservation Plan to ratify the aforementioned Forest Conservation Regulations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of July, 1993 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a swimming pool and pool house in the rear yard, in a portion of the yard other than that 1/3 farthest from the street; and to amend the Final Development Plan at Oakhill, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk

until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated July 2, 1993, attached hereto and made a part thereof.

> ZONING DESCRIPTION FOR 2 Waterbury Court

also known as

which is 40 feet wide at the distance of 126 feet east of the

centerline of the nearest improved intersecting street Bowen

Mill Road which is 50 feet wide. Being Lot No. 9 in the

subdivision of Oak Mill as recorded in Baltimore County Plat

Book No. 55, folio 18, containing 1.075 acres +/-. Also known

as 2 Waterbury Court and sometimes referred to as 6 Bowen Mill

BEGINNING at a point on the north side of Waterbury Court

6 Bowen Mill Road 93-435-A

Zoning Commissioner for Baltimore County

cc: Mr. and Mrs. W. Lee Gaines, Jr.

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

609 Bosley Avenue

Dear Mr. Marino:

Towson, Maryland 21204

Michael E. Marino, Esquire

Case No. 93-435-A

6 Bowen Mill Road

accordance with the attached Order.

contact our Appeals Clerk at 887-3391.

RE: Petition for Administrative Zoning Variance

W. Lee Gaines, Jr., et ux, Petitioners

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

additional information concerning filing an appeal, please feel free to

date of the Order to the County Board of Appeals. If you require

In the event the decision rendered is unfavorable to any party, please

case. The Petition for an Administrative Variance has been granted, in

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towns, Maryland	
Posted for: Variatio	Date of Posting 6/18/93
Parithoner: W. Lee & Fliz T.	601-11-1
Location of property: G. Bowen	Mill Rd M/S Wohnbury CI, 126'
Location of Signer Facing The day	y on property to be tont
Remarks:	
Posted by Misterly	Date of return: 6/2-5/93

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 8, 1993

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

(410) 887-4386

<b>秦林</b> 一种	Raltimore Consta
	Zoning Administra
21011	Development Many
AZ.KA	111 West Chesapeuke Ave

W. Lee Games Jr - & Boarn Mill Rd. # 1000 - Variance - \$1 50.00

Total \_\_\_\_ \$1 85.00

03A03#0..41HTCHRC BA COLD:58AMD6-10-93

**AFFIDAVIT** IN SUPPORT OF ADMINISTRATIVE VARIANCE

from the street.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affant(s) and that Affant(s) in/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) Practical difficulty--The 1/3 lot restriction reduces the

area available for a family swimming pool to an area approximately 35 feet wide. The only possible orientation for a pool so restricted is perpendicular to the existing 20 percent slopes. such a pool would require extensive retaining walls to compensate for the slope. Proposed setbacks from the street for the pool and pool house exceed the setback from the street for the existing residence. In addition, the screen planting proposed will fulfill the spirit of the ordinance by screening the pool and pool house

I HERENY CERTURY, this 15 day of 1ARCH

4 LEE GANES IN and ELITABLE T. GANES

the Afficate(s) herein, personally known or satisfactorily identified to me as such Afficatt(s), and made eath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

कुर ग्रामा क्रिया व्यक्त

#444

Attorney for Petitioner: Michael E. Marino (type or print manne) Munel Eluan 609 Bosley Avenue Towson, Md 21204 821-6633 A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Buitimore County, and that the property be reposted.

# 0x0-15190 -- 4 35.00

Account: R-001-6150

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Michael E. Marino, Esquire 609 Bosley Avenue Towson, MD 21204

RE: Case No. 93-435-A, Item No. 444 Petitioner: W. Lee Gaines, Jr., et ux Petition for Administrative Variance

Dear Mr. Marino:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

July 2, 1993

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Advisory Committee Meeting of June 21, 1993

The Department of Environmental Protection and Resource Management offers

This property will be exempt from the Forest Conservation Regulations under

Section 14-402(B)(10) if the owner files for a Declaration of Intent, as no

Declaration of Intent is not filed, then the Forest Conservation Regulations

will apply and a Simplified Forest Stand Delineation, a Forest Conservation Worksheet and a Forest Conservation Plan may need to be submitted to DEPRM

forest will need to be cut for the construction of the addition. If a

the following comments on the above-referenced zoning item.

Mr. Arnold Jablon, Director

J. Lawrence Pilson II Development Coordinator, DEPRM

Zoning Administration and Development Management

SUBJECT: Zoning Item #444 - Gaines Property

6 Bowen Mill Road

for review and approval.

State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

6-17-93

(410) 887-3353

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County Item No.: \* 444 (145K)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

My telephone number is \_\_\_\_\_ Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

> **Baltimore County Government** Office of Zoning Administration and Development Management

NOTICE OF CASE NUMBER ASSIGNMENT

number. Contact made with this office regarding the status of this case, should reference the case number and

1) Your property will be posted on or before June 21, 1993. The closing date (July 6, 1993) is the

deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will

be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the

requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written

be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

notification as to whether or not your petition has been granted, denied, or will go to public hearing.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 28, 1993 Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 420, 435, 441, 443, 444, 445, 446, 447, 448, 457, 458, 459 and 461.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

2 LISTERBULY WUFT

93-435-4

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Advisory Committee Date June 28.

FROM Captain Jerry Pfeifer- Fire Dept

SUBJECT June 28, 1993 Meeting

Revised #138- Building shall be in compliance with the 1991 Life Safety Code.

- No comments

- Standpipes in accordance with NFPA 303 are required where a hose lay from fire apparatus to the end of a pier exceeds 150

- No comments

- No comments

- Building shall comply with the 1991 Life Safety Code and shall be equipped with smoke

detectors in accordance with State Law.

- No comments

- No comments

No comments

- Nocomments

435.ZAC/ZAC1

CPS-008

4 HARTELLING COURT 1 152.91 Cot w Grand Joseph 9 karvesine Handings Red 940/469

CANDERS APPLEASED

PROVERY ADDRESS plat branc 50, than 18 hard

HILLIAN 4 DICKBERT COMICS

PLAT HEFTER BY

FOAD (50'ROW - 20' PANO)

+ LEC COOR CECHOLOGICALICH ENPLY COMEN PILL PACE

PLAT TO ACCOMPANY PETITION FOR ZOHING VARIANCE HUE ELLOSCHET, ASLA LARIC CLEMORE DIE BAITU PIO ZIZIA 416 4179

NOT TO SCALE, THIS COPY OF PLAT ENLARGED
for legibility. 6.1.92

CHESOTERE DAY CONTON ARCS PERE COMMENTEDENCS \_\_\_

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s). 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge. PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

111 West Chesapeake Avenue

W. Lee Gaines, Jr. and Elizabeth T. Gaines

6 Bowen Mill Road aka 2 Waterbury Court

9th Election District - 4th Councilmanic

N/S Waterbury Court, 126' E of c/l Bowen Mill Road

6 Bowen Mill Road

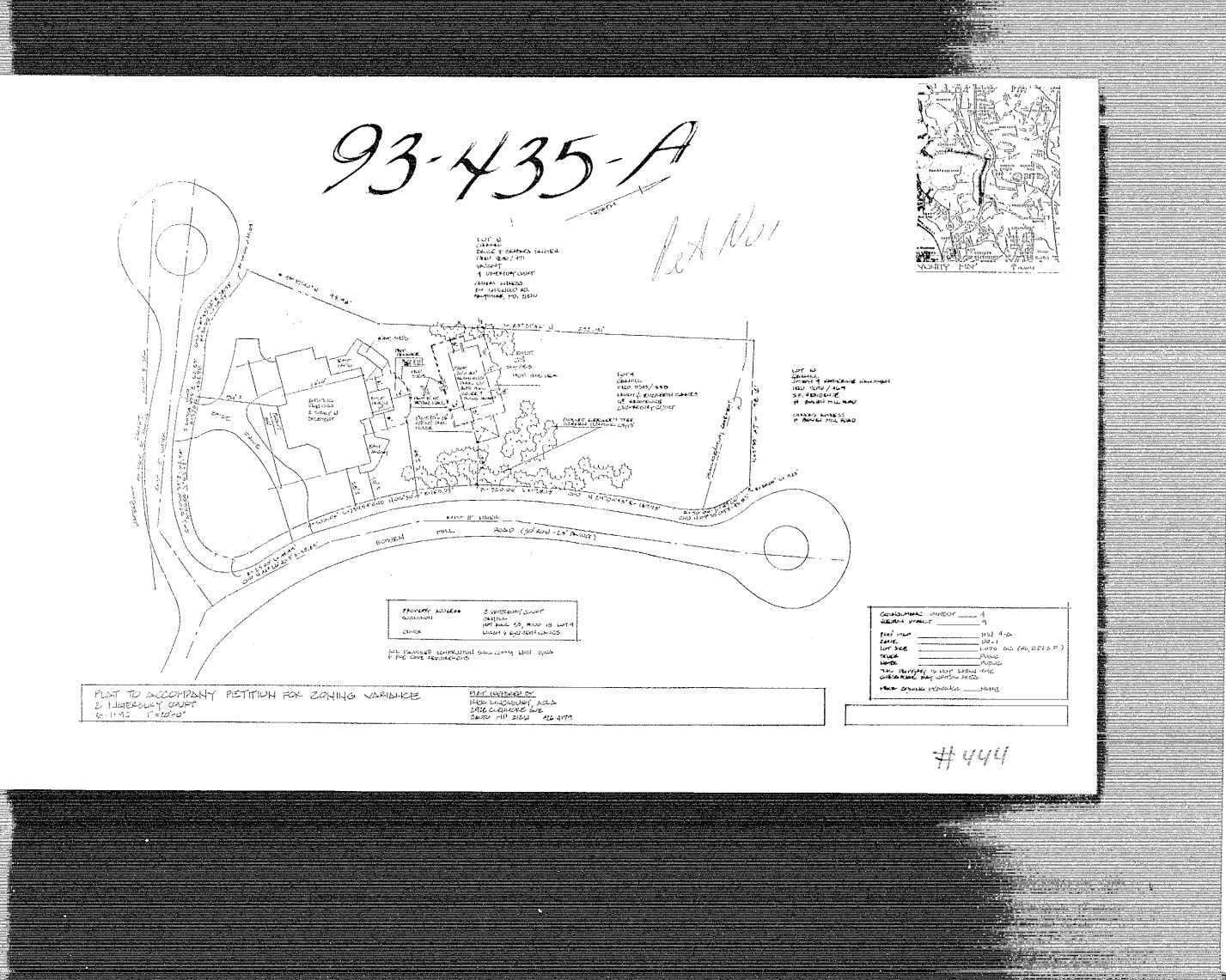
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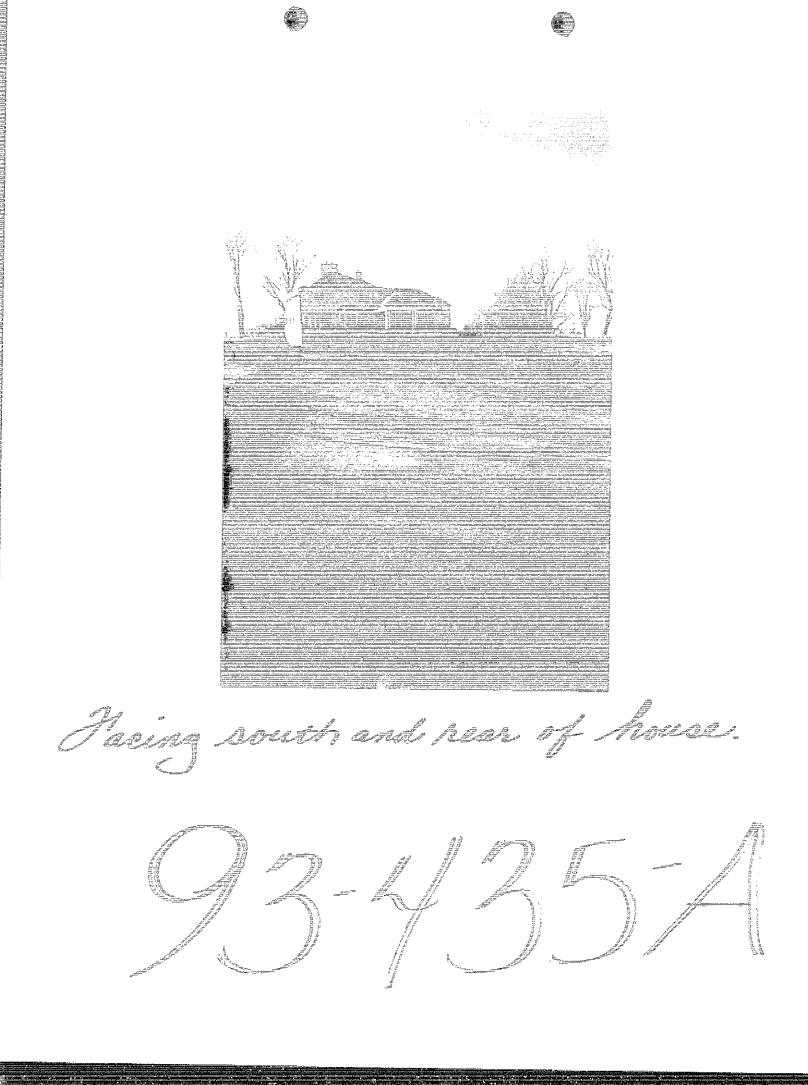
CASE NUMBER: 93-435-8 (Item 444)

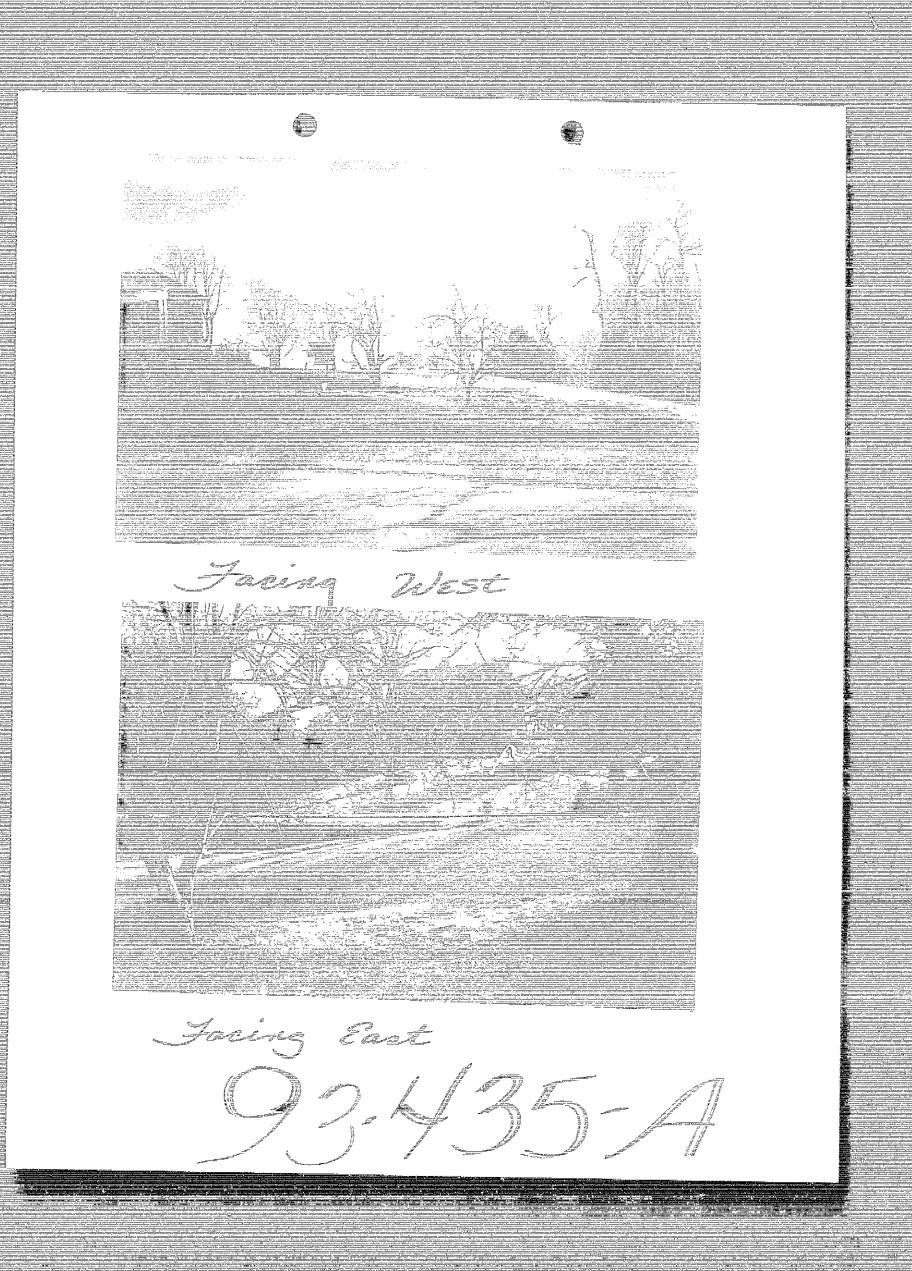
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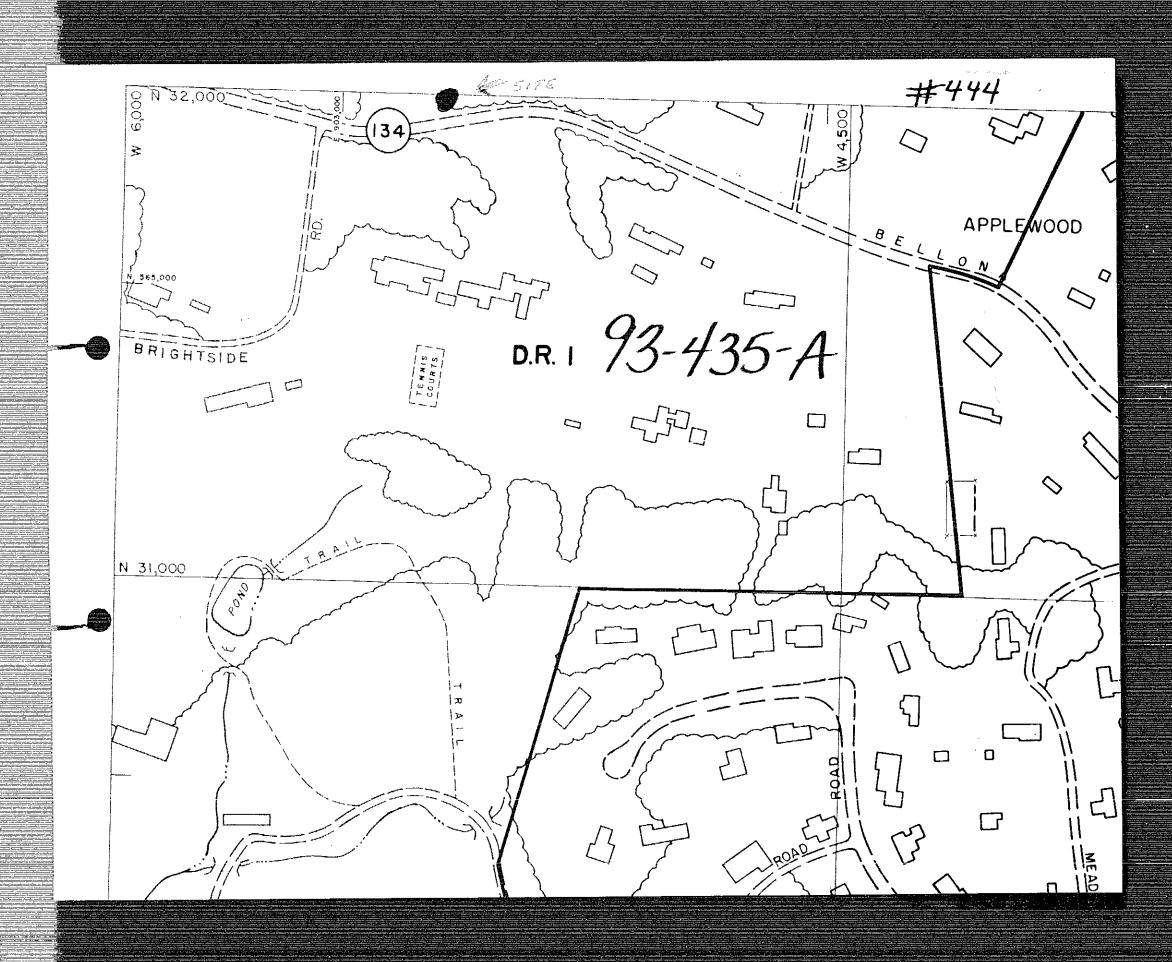
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